

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1, 3-6, and 8-12 in the reply filed on 7/15/2009 is acknowledged. The Examiner informed the applicant on 10/16/2009 that claims 23 and 24 were incorrectly put with group one in the restriction requirement even though they depended upon claim 7 which was part of group two. The applicant's representative Graciela Cowger stated that claims 23 and 24 could also be withdrawn to the Examiner via voice mail on 10/19/2009.

Claims 7, 13, 15, 17-21 and 23-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/15/2009.

Response to Arguments

Applicant's arguments filed 4/28/2009 have been fully considered but they are not persuasive. The applicant's argument that Golden's switches and router do not constitute the "routing device" of claim because they do not initiate the QOS session is not persuasive. The Examiner does not agree because the ECP sends the signal indicating the QOS to the switch and the switch then implements the QOS indicated. This is enough to satisfy the claim language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT/US99/07818 by Golden et al. (Part of IDS filed on 7/17/2008).

As to claim 1, Golden teaches a method for transferring data between a wide area network and a computer system located on a local area network, comprising: receiving data from a content provider via the wide area network at a digital device that is connected to both the wide area network and the local area network, the data being destined for the computer system located on the local area network (embodiment in Figure 9); the routing device receiving a signal, separate from the received data, indicating that the data is to be transferred to the computer system with a minimum quality of service (page 7, lines 25-28 and page 9, lines 2-11); the routing device initiating a QOS session between the routing device and the computer system in response to receiving the signal; (page 9, lines 23-26); and the routing device sending the data to the computer system according to a minimum quality of service (embodiment in Figure 9).

Claims 3-6 and 8-12 are taught in the embodiment shown on pages 7-9 as should be evident (the reference is by the inventor of this application so much of the terminology is the same).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Primary Examiner, Art Unit 2442